

The Los Angeles County

Sheriff's Department

12th Semiannual Report by

Special Counsel Merrick J. Bobb & Staff

June 2000

T w e l t h S e m i a n n u a l R e p o r t

Introduction

This is the twelfth report prepared pursuant to orders from the Board of Supervisors that Special Counsel and staff investigate, monitor, and provide a twice-yearly critical review of the performance of the Los Angeles County Sheriff's Department (LASD) in managing the risk of police misconduct and its attendant social and fiscal costs to the County.

This report is written against the backdrop of the Los Angeles Police Department's Rampart scandal, where the LAPD's own Board of Inquiry Report conceded that lack of strong management and oversight led directly to the widespread corruption, dishonesty, and contempt for the rule of law alleged against some Los Angeles police officers. The LASD, in contrast, should be in better shape. For one thing, the LASD, for several years now, has had the necessary tools to monitor officer performance and detect incipient patterns of possible misconduct, including the PPI, the LASD's sophisticated early warning and tracking system. The LASD also benefits from a structure for accountability erected during the latter Block years that is a model for fixing responsibility and keeping middle management focused on affirmative, active supervision and control. Moreover, the lessons learned from the "Big Spender" scandal of the late 1980's within the LASD's Narcotics Bureau should at least partially immunize the Sheriff's Department from a Rampart-like scandal. Finally, the LASD has an active and aggressive Internal Criminal Investigations Bureau (ICIB) that has shown itself capable of sophisticated and complex operations, such as the recent seven-month investigation and stings that led to the breakup of a credit card fraud gang operating out of the Twin Towers Jail.

Yet even with these advantages, the picture within the LASD is mixed. This report therefore attempts to test whether the LASD is in fact immune and to look soberly at the question of how well insulated the LASD really is from the break-

downs in accountability that led to Rampart. Overall, we found a need for the LASD to shore things up. Our principal recommendation is to strengthen ICIB, fortify it with additional staff and resources, and put it in charge of ongoing active intelligence gathering, moving away from a somewhat more reactive model. Our second major recommendation is to require Department-wide consistency in the application of anti-corruption measures already in place in the LASD's Narcotics Bureau.

These conclusions were reached principally through the prism of the LASD's COPS program. Our findings on COPS are summarized in this Introduction and detailed in Chapter One. Our conclusions were reinforced by two other subjects discussed in this Introduction: We comment in this Introduction on the LASD's vulnerability to corruption from the perspective of the criminal charges filed recently against Deputy David Auner for falsifying reports and records. Also, this Introduction comments on the potential for corruption in some mixed messages within the LASD about whether and when law enforcement personnel should accept gifts or gratuities.

The COPS Program

What we found in our investigation of the COPS program may shake complacency: Between the paucity of resources devoted to oversight and the absence of protocols, there were few internal protections in place to deter or detect team malfeasance or misconduct. As detailed in Chapter One, we found that the COPS teams were being sent off on vaguely defined and inconsistent missions without the necessary anti-corruption training, skills, protocols, and procedures. Although it would be a misreading of this Report to conclude that the COPS teams have engaged in misconduct along the lines alleged in the LAPD's CRASH unit, we found the absence of oversight and control to be disturbing. Assistant Sheriff Waldie, to whom the COPS Bureau reports, shares our concerns and has pledged to rectify the problems.

We also hasten to point out elements of the LASD's current anti-corruption efforts and response to Rampart that are quite reassuring. Two LASD commanders audited certain of the LASD's specialized units, including the LASD's gang enforcement units. Another two LASD commanders are formulating recommendations for better anti-corruption procedures and mechanisms overall. Their work, thus far, is excellent.

In the wake of the 1991 Christopher Commission Report, the 1992 Kolts Report, the 1994 Mollen Commission Report on corruption in the NYPD, and the LAPD's recent Board of Inquiry Report, it is difficult for any responsible law enforcement agency to plead ignorance or a lack of blueprints for what to do to avoid the risk of corruption and other police misconduct. Yet, as noted in our discussion in Chapter One, even the Narcotics Bureau, which has the best anti-corruption procedures of any unit in the LASD, has still to implement the full array of internal reform recommendations that followed "Big Spender." The Narcotics Bureau should do so. As well, all other specialized units and bureaus should adopt similar anti-corruption procedure and controls.

The Auner case

A second reason undermining whatever complacency might exist about corruption in the LASD is the Auner case. Recently, felony charges were filed against David Auner, an LASD Century Station deputy accused of falsifying reports and records while working as a training officer at the station.¹ He was turned in by his

1. Without commenting one way or another on Auner's suitability to be a field training officer (FTO), we emphasize that we strongly criticized the selection of FTOs at Century and have urged since our **Second Semiannual Report** in 1994 that FTOs be selected centrally and that there be specific criteria for removal of current FTOs, and automatic disqualification of FTO applicants, for dishonesty or excessive force. See "FTO Selection and Training," **Second Semiannual Report**, Chapter 12 (April 1994).

trainee. His lawyers have suggested that the charges against Auner are politically motivated and encompass allegations of trivial behavior that but for Rampart would never have led to a criminal filing. But the allegations are hardly trivial: If proved, the case will show that Auner lied in reports to cover up problem investigations and made up probable cause where none existed.

As regards the LASD in general, the Auner case can be read two ways. Those looking to find fault with the LASD will argue that it is the second instance in the last few years in which a Century Station training officer has been accused by his trainee of falsifying reports. They will also point out that warning bells having been going off about the Century Station for a long time. Thus, they will assert, the Auner case should be seen as yet another example of the LASD's having failed to act swiftly and decisively to clean house at Century and exert strong control.

On the other hand, those looking to praise the LASD will argue that it is an example of the controls already in place having worked: The LASD leadership had fostered a good enough atmosphere in general, and at Century in particular, so that a young trainee could turn in his training officer without a paralyzing fear of retribution or rejection. Nor apparently was the trainee chilled from coming forward out of fear that he himself would face vindictive disciplinary proceedings for having delayed reporting the misconduct while he wrestled with his conscience and consulted with trusted relatives about what to do.²

Similarly, they will argue, the incident should be read as a validation of the Century Station's leadership and proactivity, as exemplified by the excellent work of Lieutenant Jim Lopez, who last year conducted detailed interviews of the judges,

2. It is a delicate question when an officer's failure to report the misconduct of others should lead to discipline. One must encourage and reward breaches of the code of silence where an officer's loyalty to the organization as a whole, to integrity, and to the rule of law overcome peer solidarity. Yet these goals must be balanced against whatever compounding of damage is occasioned by delays in coming forward. Surely, if an officer fails to come forward with the truth until he has testified to the contrary, it is problematical. So too if an innocent suspect, or one who has valid grounds for suppressing evidence, languishes in jail unreasonably.

DA's, and public defenders at a nearby courthouse concerning Century personnel whose reports, demeanor, testimony, trustworthiness, or reliability had raised questions. By virtue of these efforts, the possibility that David Auner, among others, might be problematical for the LASD had come to the attention of station management independent of the young trainee's having come forward.

Both the LASD's critics and supporters make valid arguments. The history of the Century Station is freighted with cautionary tales about what can go terribly wrong. The lessons perhaps have been too slowly absorbed, and it has taken too long to get a handle on the station's problems. The pending annexation of neighboring Compton to the LASD's service areas makes it imperative that problems at Century be eradicated once and for all. The groundwork must be laid to forestall any possibility that already troubled Compton repeats Century's sad history.

Gifts and Gratuities

A third set of current concerns relating to weaknesses in LASD corruption control has to do with some lack of clarity in the LASD about the propriety of receiving gifts and gratuities, such as meals, presents, and entertainment, from businesspeople in areas serviced by the LASD. Let us be crystal clear from the outset: We are in no way suggesting that the Sheriff or any LASD executive is derelict in honestly and completely reporting gifts and contributions. Nor are we suggesting that consideration has either been offered to or received by any LASD official for any improper purpose. Rather, we are speaking of areas of risk and vulnerability, not actual misconduct itself. With these caveats in mind, we see vulnerability where there are no bright lines separating (i) the Sheriff's campaign supporters and contributors; (ii) community-minded citizens putting up their own resources to fund community law enforcement efforts; and (iii) businesses and

businesspeople who are, or may someday become, the subjects of criminal investigations.

There are individuals who fit more than one or, indeed, all of the categories. How, then, should a law enforcement executive respond when a big campaign contributor, who also helps fund an important LASD task force, offers the executive a personal gift, apparently out of friendship and respect? Especially when the executive in the past has courted the contributor and solicited his help? Does it make a difference if the contributor is a squeaky-clean pillar of the community? But what if there are diffuse rumors that the contributor is a businessman with shady offshore connections? What if an LASD captain reports up the chain of command that a particular contributor is suspected of being a bit-player in a ring under criminal investigation by federal authorities? Shouldn't every would-be donor to the Department or major campaign contributor be checked out carefully? Is it proper for an LASD executive to provide gifts or entertainment in return?

Should the response be different if the would-be recipient of a gift is a commander or captain or middle manager rather than an executive? What about if the would-be recipient is a deputy and the would-be gift giver is a small-time restaurant owner who proffers the deputy free meals in appreciation of the deputy's having cleared the sidewalk of undesirables who were scaring off potential patrons? Would it make a difference if free drinks or meals were offered to deputies by a bar owner who on occasion has some illegal gambling in the back or tolerates a prostitute soliciting at the bar? What if the would-be gift giver is a recent immigrant from a country and culture where gifts to government officials, particularly the police, are normal, expected, and offered without a second thought?

These conundrums are not merely hypotheticals for discussion in an ethics workshop for police officers and executives. Rather, they are lively, current LASD issues requiring clear guidance from the Sheriff. Some in the LASD leadership

advocate a hard and fast rule that requires everyone in the LASD politely but firmly to decline any gifts or gratuities, be it free coffee at the 7-Eleven, or more substantial gifts. Others attempt to distinguish and establish different rules for campaign contributions, personal gifts or gratuities to LASD executives, contributions to the Department to fund special units, and trivial “perks” like free coffee at the 7-Eleven. Others distinguish between soliciting a gift or perk, which is always wrong and against current LASD policy, and accepting an unsolicited gift, which may not in all cases be wrong.

Others point out that it would be insulting to refuse tokens or gifts or free meals because to do so would leave the would-be giver with the embarrassing impression that the officer thought he was a crook or offering a bribe when all the giver was doing was being nice. Others argue that the course to be followed is akin to what occurs when a foreign head of state gives a personal gift to a visiting American President: the gift is politely and warmly received, logged in, turned over to the State Department, and put in a display case or the vault. Others counsel that one should accept the gift but balance accounts by giving a gift back of equivalent value.

We intend to follow closely how the Sheriff solves these ethical puzzles and gives clear guidance. Sheriff Baca, who lived through the Big Spender scandal, has stated that he understands how big corruption problems start off small—a deputy pockets a loose piece of rock cocaine or a \$10 bill from the drug dealer’s stash; a deputy writes a report saying that the gun seized was out in plain view when it actually was hidden under the passenger seat. The guidance that the Sheriff gives, and the examples he and his executives set, will influence the vulnerability of the LASD to a corruption scandal. The social and financial costs of police scandals are huge, and it is a risk we intend to monitor. Again, lest we be misinterpreted, we have neither investigated nor do we accuse any LASD official of any impropriety regarding gifts or other consideration.

Finally, we note in this Introduction that during the last six months, there has been significant change at the top of the LASD. A number of able and highly skilled senior executives have retired, including Undersheriff Paul Myron, and fresh leadership has been promoted to fill their shoes. From the most senior positions in the LASD to the level of newly appointed sergeants, the Department is being shaped in a powerful way by Sheriff Baca and his administration. Because of the rapidity of turnover to date, and the rapid pace at which turnover will continue to occur because many senior executives are nearing retirement age, the unmistakable imprint of Sheriff Baca is quickly replacing that of his predecessor. The Sheriff and his administration are settling in; some of the missteps and gaffes of the first year are now behind them and were, perhaps more than anything else, a reflection of some inexperience in new and untried roles. There is some greater order, process, and deliberation in decision-making, and some chiefs and commanders have been somewhat bolder in laying their own hands on the tiller when necessary to keep erratic or sudden course changes in check.

The work of the four commanders on corruption controls and audits is a good case in point illustrating that the Sheriff is assembling an able staff. The four commanders are all freshly minted; each had been a captain just weeks or months before. They approached their important tasks with intelligence and foresight, and their work will bear important fruit. We had the opportunity to observe their interactions among themselves, with us, and with more senior executives. There was a level of comfort, openness, trust, candor, and ease in all those interactions that was a pleasure to see. The openness and ease with which the Undersheriff and Assistant Sheriffs dealt with various of these commanders and with us was comforting and reassuring. All in all, the Sheriff and his senior management are becoming more polished and professional.

In any event, the difficulties of the last several months underscore the wisdom of attacking and solving old problems rather than breaking a lot of new ground or launching a spate of new ideas. For one, the jail riots at Pitchess are nothing new. Our prior semiannual reports, in the wake of prior rioting at the same facilities, pointed out repeatedly that there were problems of misclassification of inmates—that individuals were being assigned to open dorms when their current charges or past penal history indicated that they should have been put in hard lock cells. It was thus dispiriting to read, as we did recently in the *Los Angeles Times* Metro Section on May 23, that LASD officials (as if the light had only dawned for the first time) had made the “dramatic” proposal to move inmates “facing murder charges out of dorm-style housing units and into smaller cells.” A senior LASD official noted that they were the “most potentially troublesome inmates” and that the dorms are the “most problematical setting.” It is a fair question to ask why the reforms we advocated after the last wave of Pitchess rioting were never implemented and why the LASD seems to doom itself to repeating history.

The LASD need not repeat past mistakes. It need not go through another “Big Spender” scandal, it need not suffer another wave of jail riots, it need not have horrendous medical lapses in the jails, and it need not fail to manage potential misuse of force. As noted before, the LASD has the tools in hand to deal with these problems. It is up to the Department to use them actively.

Conclusion

The balance of this report will address four important topics. As mentioned above, Chapter One describes our findings about vulnerabilities in the LASD’s COPS program. Chapter Two contains our key recommendations for fighting corruption. Chapter Three appraises the LASD’s canine program, where the

percentage of canine deployments resulting in bites (the bite ratio) took a sharp increase to 17 percent for calendar year 1999. We conclude that the increase is cause for serious concern but not for alarm. Although a bite-by-bite examination of the 15 bites in 1999 disclose only a small number that clearly should not have occurred, it nonetheless is troubling that after achieving bite ratios under ten percent in 1997 and 1998, the Canine Service Detail has experienced higher than expected bite ratios in 1999. We strongly hope that 1999 was merely an anomaly and that the overall bite ratio will quickly drop below ten percent for the year 2000.

Chapter Four discusses medical care in the jails. Many of our Semiannual Reports have described lawsuits where the County has paid out substantial sums of taxpayer money because of medical malpractice or failure to provide timely and adequate medical care. The last six months of 1999 is no exception. We again focus attention on the urgency for reform, a topic which the Board of Supervisors has demanded be addressed by the LASD with greater rigor.

Chapter Five discusses the LASD's Personnel Performance Index, or PPI. In our last semiannual report, we deplored the possibility that the LASD would limit the flexibility and usefulness of the database by rendering information inaccessible or more difficult to retrieve. At the behest of the Board of Supervisors, an agreement was reached between the Sheriff and Special Counsel that preserved all the data on the PPI and articulated new standards governing when adverse findings would mandatorily disqualify individuals from special assignments and promotions to the extent permitted by law. At the same time, the agreement created new protections against misuse of PPI information. We discuss these changes in Chapter Five.

1 . Community Orienting Policing

Introduction

Newspaper accounts of the Los Angeles Police Department's (LAPD) Rampart scandal, combined with the publication of the LAPD's frank internal analysis of its own shortcomings in its Board of Inquiry Report, prompted us to examine whether the LASD's specialized units posed Rampart-like risks of organized malfeasance and, if so, whether LASD controls and oversight were adequate. Limitations on time and resources precluded a Department-wide investigation of all specialized units. Accordingly, we determined to look intensively at one specialized unit in particular—the LASD's Community Oriented Policing (COPS) teams. At the same time, we monitored parallel audits by the LASD itself of its COPS teams and certain other specialized units.¹

The LASD's implementation of community oriented policing, through the COPS teams, has become a powerful tool in turning around challenged neighborhoods and building community support. Inasmuch as the **Kolts Report** and its recommendations were grounded in the LASD's implementation of a community oriented, problem solving model of policing, with its emphasis on prevention and long-term, wider solutions to crime, as opposed to traditional ad hoc containment and enforcement strategies, it was particularly important to see whether the COPS unit was functioning consistently with its mission.²

- 1 An obvious place to look—given Rampart—is the LASD's gang enforcement units. Because the Department itself had already begun an internal review of certain of these units, we decided to concentrate our efforts on COPS and to monitor the internal review of the gang units by the LASD. Should we determine it necessary after concluding our appraisal of the LASD's internal review, we will audit and review gang units and other specialized LASD units ourselves.
- 2 The sidebar, which accompanies this chapter, drafted by Robert Aaronson, eloquently describes community oriented policing and its importance to contemporary law enforcement philosophy and practice. It also summarizes the somewhat checkered history of community oriented policing in the LASD.

Community Oriented Policing

While it's said that community oriented policing is as old as the hills, in truth the concept has only made headway since the notion was coined in the last two decades. Much has been written about it and praise for the concept has grown nearly universal. But the hard reality is that few departments have done much more than implement limited portions in limited ways.

A number of agencies have accomplished remarkable things by grafting bits and pieces of community oriented policing to existing programs, only a handful have actually leaped the chasm to full implementation, leaving no member of their departments behind.

A large part of the problem is that although many speak of community oriented policing, few have bothered to study what it is really supposed to be about. The words were so catchy and attractive that the idea moved from a raw concept directly to espousal on bumper stickers without first being mulled over and elaborated. This is unfortunate because now community oriented policing is seemingly old news, although its day never really arrived.

During the second half of the twentieth century, law enforcement's sense of itself and its mission diverged more and more from that of the communities served. The impact of this divergence left many departments increasing detached from and in conflict with their constituent base—the community residents in need of police service. And, as

The answer is yes and no. At their best, the COPS teams are making a difference all over Los Angeles County. They are changing the face of neighborhoods, clearing the streets of prostitution and drug dealing, obtaining better behavior from probationers, and building strong coalitions with communities. They are bringing law enforcement to troubled communities without the appearance of being an occupying army. They are winning friends for the Department.

The best advocates of LASD's community oriented policing are the deputies that have been doing it and the community members who laud them. There are deputies who care deeply for the neighborhoods they work in, and they are doing fine work. The community knows this; on numerous occasions, we observed community members expressing their affection and high regard for these employees.

On the other hand, although the current COPS program has won praise and advocates both in and outside the Department, it has also generated frank worry within the LASD because COPS personnel have operated with a loosely defined mandate and less immediate oversight than other patrol officers at the same stations. These units are relatively new, somewhat hastily assembled, and therefore less experienced in how to avoid mistakes and misconduct.

What we found confirmed these worries: Between the paucity of resources devoted to oversight and the absence of protocols, there were few organizational protections in place to deter or detect team malfeasance or misconduct. Although it would be a

serious misreading of this Report to conclude that the COPS teams have engaged in any misconduct along the lines alleged in the LAPD's Rampart CRASH unit, and although we specifically disavow that we found anything even approaching that level of problematic behavior, we nonetheless found that COPS teams were being sent off on vaguely defined and inconsistent missions without the training, skills, protocols, and procedures necessary to assure adequate levels of control over risks of malfeasance.

COPS deputies have been asked to run undercover surveillances, suppress gang activity, set up stings, manage informants, execute search warrants on suspected narcotics labs, and perform other tasks normally the province of other, highly trained specialized units. These esoteric operations not only can be very dangerous for the untrained. They are also the key areas where things went awry in Rampart. The COPS teams are thus performing roles that should be performed by others who have requisite substantive and procedural training necessary to do the job in a way that does not open the unit to Rampart-like risks. COPS should not be permitted to do so. It is not wise to expect COPS to be able to run networks of paid and unpaid informants or duplicate narcotics enforcement as well as the Narcotics Bureau, serve and execute difficult warrants with the skill of SEB, or deal competently with the crimes and suspects that fall to the Major Crimes Unit. Rather than training a COPS team to be a jack-of-all-trades and master of none, a well-engineered community oriented policing program should teach the officers to defer to specialized resources from the wider LASD when that is what the community needs.

importantly, what had become the traditional models for crime suppression—enforcement, visibility in patrol cars, and containment—were visibly failing.

A frustrated handful of law enforcement professionals began to experiment, discovering that reactive, after-the-criminal-act policing was not effective at preventing crime or providing deterrence. Nearly by accident, these mavericks stumbled upon an important truth: No police department can be very effective without the active support and participation of their community. There is no group of more committed stakeholders in a community besieged by crime than those forced to live in the resultant combat zone. While not everyone so effected in the community will be willing to be part of the solution, a surprising percentage can be recruited, given the right setup and encouragement. Even better, in every community there are at least a few people who are or can become pivotal community leaders. Providing the right circumstances, they can single-handedly mobilize their neighbors in an electrifying way.

No law enforcement agency, no matter how good, can take a besieged neighborhood, cleanse it of criminals and crime, and give it back to its community in a pristine state. The best law enforcement can accomplish on its own is a temporary quick fix. Only the community itself can "take it back;" the law enforcement agency may be able significantly to help, but it's at base the community's job. If a community is uninterested in recovering itself, no one can ever do it for that community. Although the law enforcement mavericks did not intentionally set out in this direction, that's

what they discovered—that the tools of community oriented policing actually allow law enforcement to make a difference, a visible, palpable difference, by involving the communities they served. In partnership, the community with law enforcement can substantially reduce crime in a given area and significantly increase the quality of life.

Community oriented policing actually empowers communities. And, like a self-sustaining combustion, once started, an activated community can accomplish many powerful things for itself.

Community oriented policing leaves community members with an abiding affection for their police officers, at least the ones actively engaged in community oriented policing. They come to love their cops, as demonstrated by the loyalty of Los Angeles residents to LAPD senior lead officers and by County residents to their "town sheriffs."

Community oriented policing also empowers police officers. There is little that is more draining and frustrating than a career of "radio-chasing." Cops that spend eight hours a day, five days a week, fifty weeks a year for twenty plus years trying to fight crime by answering calls for service learn in time the futility of their endeavor. Cynicism, emotional detachment, and eventually a lack of interest distance them from the people they continue to "serve". Successes are few and fleeting. By contrast, cops engaged in community oriented policing find themselves re-empowered. Now, they can "push the rock" and actually

As the sidebar sets forth in detail, community oriented policing offers the LASD a profound opportunity to reshape how it operates and how it is perceived by the residents of Los Angeles County, its constituency. With this comes the chance to lead the next revolution in the law enforcement profession. But these possibilities have been put at risk due to a lack of organization and coherence and an under-investment of resources. Although the COPS program is at times one of LASD's finest, it has run a too great a risk of becoming a source of embarrassment. In the last couple of months, the Department has begun to recognize this and is asserting greater control.

This Chapter will next describe our methodology. Thereafter, we appraise the strengths and weaknesses of the COPS program as it currently operates.

Our Methodology and Approach

The assumptions guiding this chapter are grounded in the perception that law enforcement malfeasance, like criminal conduct by citizens, can never be eradicated entirely. In light, however, of organized, long-standing malfeasance by entire sworn units (as alleged in the current Rampart scandal for LAPD and the 1980's money skimming scandal in the Narcotics Bureau known as "Big Spender" for LASD), a realistic approach to malfeasance demands coherent controls and active, involved supervision to reduce the risk of misconduct, encourage

intervention before little problems become big ones, and facilitate earlier detection of employees and units drifting into errant ways.

By way of example, the LASD's Narcotics Bureau, scene of the "Big Spender" disaster, has learned powerful lessons and implemented well-conceived systems to impose controls and supervision designed to prevent, or at least detect, problems. In particular, the Narcotic Bureau has exemplary procedures for handling informants, getting search warrants, and coordinating narcotics enforcement with other law enforcement agencies, including the DEA and local departments. Another lesson of the recent "corruption" disasters is that specialized units and teams pose a much higher risk of engaging in unchecked malfeasance when supervision is more attenuated and policy guidelines are either absent or vague.

With this in mind, we decided to survey controls in four areas: (a) management of informants; (b) handling of narcotics cases; (c) adequacy of supervision; and (d) adequacy of written procedures and protocols and documentation of activity.

We chose to look at the handling of informants because the Narcotics Bureau, with its laudable procedures to insure proper supervisory oversight in these areas, has set a benchmark against which COPS and other units might be measured.³ We decided to focus on narcotics cases because Department guidelines expect all but the most trivial narcotics cases to be run with the knowledge and active involvement of the Narcotics Bureau.

see it move. They can make differences that don't automatically wash away in a matter of days, weeks, or months.

Community oriented policing prompts abiding affection by law enforcement for its "constituents." Cops really doing community oriented policing "catch fire," rediscovering the joy of making a difference. Their motivation goes through the roof and they can't do enough for their community. From those bonds grow the power to effect change, to banish overt criminal activities from the streets, rebuild residents' pride in their neighborhoods, and reduce their free floating fear of crime. Indeed, at its best, community oriented policing offers an alternative to gangs for young people and an alternative to withdrawal or relocation for everyone else.

Citizen complaints and lawsuits go down and community satisfaction, with their departments and with themselves, goes up.

Those law enforcement agencies, their officers, and their communities that have gone over to this way of doing things absolutely swear by it, and for good reason.

Community Policing and the LASD

Although many department members reported practicing community oriented policing as far back as twenty years ago, it was not widely employed within the Department until 1995. In fall of 1999, a distinct Bureau was established, with recently promoted Captain Paul

3. We discuss the Narcotics Bureau in boxed text on page 19.

Tanaka placed at its head. In between those two milestones, much work and training was accomplished. Still, the major goal of an entire Department practicing community oriented policing remained out of reach, for many of the same reasons that continue to hamper the LASD's achievement of them.

First, the LASD has been unable to train enough people. A goal articulated early in the process was to train everyone in the Department in community oriented policing and then rotate them onto COPS teams. After five years, this still has not happened. Slowing down achievement of this goal was a worry that the effectiveness of the COPS units would be compromised by moving so many unseasoned people through them. Another problem was the lack of training funds to put all employees through the three-day course. As is addressed below, the Department's failure to train everyone has meant that most of the Department has no real idea what community oriented policing is supposed to be about. To be fair, the concept is a somewhat fluid one, and not everyone is in agreement about what it means. Nonetheless, as set forth in this sidebar, it has core notions of problem solving, crime prevention, and community guidance respecting enforcement priorities.

Second, the LASD lacked the specific, precise tools to measure the effectiveness of the COPS teams. Apart from the now legitimized criticism of law enforcement's too-heavy dependence on arrest statistics, community oriented policing, performed as it was intended, does not generate statistics comparable to the traditional activities of law enforcement officers on patrol. Ever increasing arrest and

Moreover, all of these areas, including adequacy of supervision, protocols, and documentation, point to vulnerability to Rampart-like corruption.⁴

What we found was troublesome: Efforts to cobble together a community-oriented program on a shoestring has left its mark on the COPS Bureau. There are no Bureau Manual and record keeping protocols. Bureau archives do not exist. Important documents and reports generated less than twelve months ago are already beyond organizational recall because of turnover and the desperate race to keep up with the essential day to day business. This is not the way to run a cutting edge program.

We also found a troubling struggle over the direction of COPS. In the absence of a shared organizational understanding of what exactly community oriented policing should be, there has been internal friction between different schools of thought. While

4. After preliminary interviews and research, we spent a total of four full days at the LASD's East Los Angeles Station, observing, interacting, riding along with COPS personnel, and reviewing files and records. At the end, we attended a community "Town Hall" meeting in City Terrace, organized by the East LA COPS High Impact Team, to again watch COPS at work. Extended conversations with various COPS team members helped to both understand the Departmental issues from the street level as well as to provide information about training and its members' own understanding of the specialized COPS mission. Particularly valuable were the ride alongs: They helped to test what the COPS team was doing in the context of the actual community being served. If deputies are attached to the community, there is no more dramatic way to demonstrate this than by having them drive around, pointing out what they see.

Finally, we surveyed and looked at each file maintained by the unit and reviewed many records in detail. Lt. Dan Rosenberg, then the head of the East LA Station COPS team, as well as others at East LA, were cooperative and generous with their time. They are doing important work and are lucky enough to recognize this. We additionally spent a total of a day and a half at the Lennox Station. During that time, we rode along or spend time with five deputies, toured a one-of-a-kind community youth center run by the Sheriff's Department, and attended a regularly scheduled community meeting in Lennox.

To place all of this in a larger context, we then spent several hours at LASD headquarters with Captain Paul Tanaka, the head of the newly formed COPS Bureau. We shared with Captain Tanaka our concerns and insights, and he provided information about the changes that are already in the works. Later, we met with Lt. Charlie Araujo, the COPS Region I lieutenant through whom all Region I COPS Teams report. The Region lieutenants are critical

in other circumstances differences and dialogue are strengthening, the unresolved internal disagreements and resulting cross currents here have undermined the effectiveness and consistency of the COPS program. Much of the struggle centers around a controversial newly appointed Captain for the Bureau.

During the time that Captain Paul Tanaka, as a lieutenant, was assigned to Region II and supervised COPS teams, he developed a reputation for running an aggressive style of policing that seemed to give greater emphasis to traditional, hard-hitting enforcement rather than to preventive policing and broader problem solving. Whether deserved or not, whether accurate or exaggerated, this reputation has followed him ever since. Because the Sheriff hand picked Paul Tanaka to lead the COPS Bureau, internal observers drew from Tanaka's reputation a series of conclusions (likely inaccurate) about the Sheriff's intentions regarding LASD's policing style in general and

conduits for information and supervision between Headquarters and the Stations. We met and interviewed other Department supervisors, managers, and executives about the COPS teams, including conversations with each of the three Regional Chiefs. We met and interviewed a number of deputies about COPS.

Finally, we reviewed hundreds of pages of reports, memoranda, and documentation about COPS. We met and spoke frequently with Commanders Soderberg and Sowards, who were in charge of a parallel internal investigation covering much the same ground as we did, as they planned their methodology and strategy and reached conclusions. Similarly, we met with Commanders Scaduto and McSweeney. They are in charge of a Task Force generally considering corruption prevention and controls, and we had a free-ranging, frank, and highly productive meeting spanning several hours, including the airing of an extraordinary videotape of interviews with participants in Big Spender that followed, with meticulous care, their downward sloping path from highly motivated cops, to minor corner-cutters, to outright liars, to inventors of probable cause, to utterly corrupt and cynical individuals armed with self-serving excuses and rationales for outright theft.

We met with Commander Vadurro and Lieutenant Malone to learn the lessons from Big Spender. We met and spoke with the Captains of Internal Affairs, the Internal Criminal Investigations Bureau, and Major Crimes, all of whom were perceptive and insightful. We spoke with the Captains of other specialized units. We met and spoke with the Undersheriff and the two Assistant Sheriffs about our COPS investigation. Our conclusions about the COPS program, then, are based upon our own investigation and experience at two stations as fortified by the LASD's own internal, parallel investigations, and by our interviews and conversations.

activity statistics may not necessarily reflect real progress in "fighting" crime. More importantly, sole reliance on these numbers to rate unit and employee performance sends the wrong message to employees about what's important and what's not in the work choices they are making. Attending community meetings to learn about the residents' fears of crime, cultivating relationships and trust so that the LASD is seen as friend and not foe, spending time on the phone to get the appropriate agency to initiate condemnation proceedings on an abandoned house, or coordinating specialized LASD resources for closing down the neighborhood meth lab may be legitimate ways for a community oriented police officer to spend time, but those tasks do not necessarily generate large numbers of arrests. Deputies doing traditional patrol work will always seemingly "outproduce" those who are engaged in community policing. Law enforcement has yet to come up with appropriate yardsticks for measuring community policing efforts that are as easily understood and assimilated as how many arrests did an officer make, how many tickets were written, and how many stops were made to investigate suspicious circumstances.

Third, lack of funding for supervision has hurt the COPS program. The vast majority of the COPS budget comes from outside grants, principally federal COPS grants. In fact, LASD receives monies from a substantial number of sources, national, state, regional and local.

The reporting and tracking obligations alone represent an enormous challenge to Captain Tanaka's Bureau

staff. To be sure, the federal money has given the LASD the opportunity to do what it otherwise could not afford. The problem is that the federal money does not cover full time supervisors for the COPS program, something that the grantors expected the grantees to do as their part of the bargain. In the LASD, therefore, to the extent that supervision exists, up until very recently, it has been taken "out of hide," which means in LASD parlance that either supervisors were given more than just COPS units to supervise (some lieutenants have been expected to ride herd over three or more distinct units, each itself needing its own full time lieutenant), or supervisors were brought into COPS units although they remained in their old assignments on paper (and those units elsewhere were shorted necessary supervision). When supervision is taken "out of hide," all units deprived of adequate supervision suffer. For specialized units, operating outside the normal patrol reporting structure and framework, these temporary fixes taken out of hide are an invitation to trouble.

Fourth, Department funding for clerical support has been nearly non-existent. So, when we later fault COPS teams for failing to adequately document and preserve records of their work, please bear in mind that to do so would have meant pulling people away from actual policing for the sake of paperwork. Upper management, therefore, should provide adequate staff both to do the necessary police work and the equally necessary recordkeeping.

approach for COPS in particular. We note that Assistant Sheriff Larry Waldie, in late April, made a determined effort to provide greater clarity with regard to reporting relationships and to more clearly define the Department's intentions and wishes for its COPS program.⁵

We now turn to the detailed findings of our current investigation.

Our Findings

Early in our investigation, it became clear that the LASD had failed to provide tight supervision, maintain oversight, or require strict accountability in the COPS program, leaving it open and vulnerable to problems. Compounding these difficulties, the LASD had also so fallen down in its record keeping on the COPS program

- 5 Assistant Sheriff Waldie has taken COPS under his wing. We are pleased that he did so, and will look forward to seeing whether the COPS program gains further consistency, and a more coherent problem-solving, community orientation, as a result. While aggressive "hook 'em and book 'em" enforcement, making complex narcotics cases, managing and controlling informants, and SWAT-like activities may have more inherent appeal to some deputies than community policing, and while such enforcement activities clearly have their place in the work of highly trained specialized units, it is a highly misleading and erroneous message to suggest that those activities are appropriate for those involved in community oriented policing. Building constructive relationships with community members to attack crime is as important an end in itself as making lots of arrests. It will not pay to mislead deputies about this, and we hope that clarifying messages to that effect by the Assistant Sheriff are widely diffused throughout the organization.

As always occurs when we begin an investigation, the Department takes a keen interest in where we are going and what we are doing. As noted earlier, the cards are on the table from both sides: We let the LASD know where we are heading and the LASD makes no secret of its efforts to get there before we do or follow closely behind. Accordingly, our investigations invariably are against a moving target: As the LASD gets a sense of our worries and concerns, it attempts to respond ad hoc and diffuse our worries by assurances that change is in the works and that there are plans for reform. This is fine with us if it means that real work gets done in the process. It allows the Department to claim that it has anticipated and already dealt with our criticisms, thus blunting the sharpness some of our observations might otherwise have. Again, this is fine with us if it means that real improvement takes place. Our job, in part, is to figure out when the Department is just "blowing smoke" and when it is sincerely in the process of fixing problems. We will continue to follow with interest how the COPS program is run.

The Narcotics Bureau

We focused on the Narcotics Bureau by visiting it to assay their efforts. For the record, this unit has done a remarkable job of setting up a framework, guidelines, and expectations for the Bureau. The Bureau manual, over an inch thick, covers everything from search protocols and documentation, evidence handling, and informant management to use of Department-issued gasoline credit cards, fictitious ID guidelines, and court attire. Best of all, deputies must interact with supervisors (either face-to-face or in writing) as they hit certain case milestones. The ability of a single unit to secrete itself behind closed doors and conduct nefarious business in the shadows is gone. While there is still more ground for the Bureau management to cover, the Narcotics Bureau has, having taken to heart the lessons of the past, set a new, higher standard for the Sheriff's Department.

Despite the foregoing, however, at the conclusion of Big Spender, an internal LASD task force made a series of recommendations for reform of the Narcotics Bureau that have never been implemented. Whether the failure to implement the recommendations was due to union opposition, or a lack of management will, or a lack of management fortitude to accept for itself the same financial disclosure and auditing mechanisms it sought to impose on the lower ranks, the recommendations were not enacted. We agree with the substance of those recommendations. Its time they get back on the agenda.

Specifically, those who apply for or enter the Narcotics Bureau or any other unit where members are exposed to large amounts of

money or drugs should (i) waive any privacy rights that otherwise might apply to their financial status and affairs, (ii) be required to submit and update complete financial disclosure information, and (iii) be required to submit to regular monitoring of spending habits, credit card debt, and unusual purchases.

Although we appreciate that some personnel find them highly offensive and insulting, we nonetheless see no way around impromptu stings. The stings should be conducted by a specialized anti-corruption task force based in the Internal Criminal Investigations Bureau (ICIB). The stings should be focused on the Narcotics Bureau and any other units whose members are routinely exposed to large amounts of drugs and cash.

Although internal rotation has reduced the risks of cliques developing, we continue to believe mandatory rotation out of the Bureau after five or six years may still be necessary and urge its serious reconsideration. We also urge promulgation of standards for assignment to the Narcotics Unit that specifically test the applicant's honesty, integrity, and prior adherence to legal and Department norms. Inasmuch as pre-hiring background investigations vary in quality and because standards have changed over time, it might also be wise to conduct updated background checks on applicants for specialized units, including polygraphs, if warranted.

that it was nearly impossible to determine from documents alone whether the COPS teams were appropriately managing informants and narcotics cases. The absence of such documentation, itself, is indicative of poor supervision, control, and oversight. In the absence of adequate records, it is difficult to verify oral reports; to judge whether individual deputies and sergeants are telling their supervisors the truth, or giving them a convenient falsehood, or passing on what the employees mistakenly believed to be the truth. We, too, were told many inconsistent things.

Thus, personnel in COPS repeatedly denied that the COPS teams were using informants at all.⁶ In contrast, upper management in the Narcotics Bureau and elsewhere told us that they had a high level of concern because they knew that certain COPS teams were using and paying informants but were not appropriately tracking or managing them. The absence of records in the COPS team only served further to underscore the weakness of management controls.

We could not find records indicating who, if anyone, was getting paid as an informant. We did not find records disclosing the sources of funds, if any, used to pay informants. Whether people who provided information were receiving other consideration or compensation, such as favorable letters to the court, was impossible to tell because there were no entries in records to document it. There was no apparent tracking of the reliability of informants and their credibility in prior cases.

Thus, as to the COPS teams we looked at in March and April, there were few protections or systems in place to permit oversight, accountability, or supervision of COPS deputies' relationships with informants. To be sure, Lieutenants Jim Whitten and Dennis Werner, both Narcotics Bureau experts, were attempting to give lectures and dispense advice to COPS units on how to handle informants and how to deal with

6. Another related complication was the lack of a departmentally shared understanding of the definition of *informant*. The Narcotics Bureau espouses a fairly broad concept that includes anyone who has provided information about criminal activity; most others use the term to distinguish persons who are providing information in exchange for something, either consideration in their own criminal case or financial remuneration.

search warrants. As good as they are, word-of-mouth and ad hoc counseling from lieutenants is not a substitute for thorough training and written procedures and manuals.

As we completed our investigation, an LASD team comprised of Commanders Soderberg and Sowards and Lt. Jim Whitten audited the COPS teams at two of the stations we had chosen, East LA and Lennox, as well as the COPS team at Industry Station. The LASD team also audited five gang enforcement and gang intelligence-gathering teams within the LASD's Safe Streets Bureau, the Asian Crimes Task Force, and station teams in each of the three LASD Field Operations Regions, including a gang unit at Lancaster Station, a Special Problems Unit at West Hollywood Station, and a Problem Specific Policing Team at Pico Rivera Station. The LASD audit team looked at the procedures governing the use of informants, the procurement of search warrants, the gathering of intelligence, and the handling of money, narcotics, and firearms as evidence.

In the areas where our investigations crossed, particularly with respect to the use of informants, the findings of the LASD audit team paralleled and reinforced our own conclusions that the COPS teams not only had been using informants but also would benefit substantially by adopting comprehensive Department-wide policies on informants patterned after the procedures already practiced by the Narcotics Bureau. The audit team recommended similar standardization of procedures and training in the other areas it investigated, and we concur in those recommendations.

With regard to whether COPS narcotics cases were handled with the Narcotics Bureau's involvement, we again faced an absence of necessary documentation, control, and oversight. We again were given inconsistent oral accounts. The COPS teams denied involvement in substantial narcotic enforcement without seeking participation from the Narcotics Bureau. In contrast, the Narcotics Bureau and

others expressed a high level of concern about the breadth of ongoing, substantial narcotics enforcement by COPS teams that were unsupervised, untrained, and otherwise not under the direction of the Narcotics Bureau.⁷ When we tried, however, to substantiate what the COPS teams were doing by review of COPS records, we again found inadequate documentation.

In the absence of a paper trail to audit, clear rules, and written expectations, a police unit succeeds or fails based on sheer happenstance: the particular personalities and skills of its personnel, primarily the supervisors. Talented, experienced leadership can fill in gaps left by the absence of procedures and well-defined policies. In the instance of the East Los Angeles COPS team, for example, supervision by Lt. Rosenberg prevented many a problem and remedied many a shortfall: Until he arrived at East LA, discovered it, and put a stop to it, COPS deputies were going out on operations requiring specialized tactical expertise without having received the necessary training. Although Lt. Rosenberg and many of his peers catch problems, and should be lauded for it, a system that depends solely on the unevenly divided talents and abilities of its supervisors cannot long survive without tripping badly.⁸ Accordingly, our investigation discovered large challenges facing a valuable COPS program that was functioning without adequate resources, procedures, training, oversight, or accountability.

7. Some argue that the Narcotics Bureau exaggerated the lack of control in COPS in order for Narcotics to preserve turf. Not so. The Narcotics Bureau made an overwhelming case why the absence of controls in COPS not only left COPS open to corruption but also created a risk of endangering complex multi-jurisdictional drug cases.
8. Unlike the LASD, which has frankly conceded when it lacked systemic controls, some police executives choose to blame their problems on the mediocrity of supervisors, complaining that mediocre supervisors let their departments down. Shame on them for relying so heavily on fallible humanity. There is no substitute for adequate resources, clear procedures, good training, systemic controls, relentless auditing and oversight, and real accountability.

1. There is no universally shared understanding of what community oriented policing, for LASD, is all about.

Nor is there even a common understanding of exactly how deep or how far the Department's commitment to its practice extends. Until very recently, there was not even agreement about how the COPS chain of command is supposed to work.⁹

These statements portray a potentially dangerous situation.

It was fascinating, yet disturbing, to discover through interviews of sworn members that there were a variety of mistaken views about the mission of community oriented policing, what LASD's goals and expectations were, and who controlled the COPS teams. This confusion seemed to derive from a failure to make chains of command and reporting relationships crystal clear. It seemed also to signal a failure to communicate uniform and specific expectations throughout the organization. We suspect this is because internal disagreements between the executives about COPS meant that multiple, muddled, and conflicting messages got sent.

One clear proof of this is the LASD's *Community Oriented Policing Three Year Implementation Plan*, a March 1999 report based upon survey questionnaires of COPS and non-COPS staff to identify issues and problems. Therein, among other issues, COPS deputies identified the following items as sources of confusion, concern, and worry:

- lack of funding for equipment and supervision
- lack of clear direction from the top
- a perception that LASD executives and middle managers don't understand or support the program

9. During our interviews in April, no one we talked to in the LASD could tell us to whom the COPS teams reported or for what purposes, be it to the Captain of the station or the Captain of the Bureau. The relationship between the Bureau and the stations lacked any precision: Station captains gave us widely divergent accounts of what they thought their authority was.

- inconsistency throughout the regions in how the concept is applied
- some teams were becoming “strike forces”
- no real accountability

Deputies who had never been COPS team members, or who had been but were now rotated back, as well as supervisors “who had been impacted by the program,” raised the following perceptions and concerns:

- “we don’t know what [the COPS teams] do with their time,” it’s a “total waste of manpower” and “disband it”
- personnel for the Teams are “taken out of hide” and not replaced, causing manpower shortages for patrol
- COPS Teams are not communicating with patrol to share information
- many non-COPS deputies had “animosity towards COPS teams” due to their lack of accountability, perceived “laziness” and fewer arrests, “a real cush job”
- COPS work is not “real police work,” “too involved in community relations”
- lack of consistency within the Department
- lack of support and direction

Captains who were surveyed also pointed out their worries and concerns:

- lacking of adequate funding, staffing and supervision
- lacking of clear direction
- inconsistency from station to station
- more decentralization for “more local control”
- “funding should be built into Department budget versus relying on grants”

When we asked various mid-and upper-level COPS personnel about this report and how the LASD responded to the troublesome survey results, the vast majority were unaware of it or had not ever seen it. One administrator only acknowledged

he had seen it when it became clear to him how important we thought it was. The problem, then, appears to be that messages being sent by those who were surveyed were never addressed, at least until after our investigation began. The Department has had real notice of the some of the problems with COPS at least since March 1999, and it is fair to inquire why more had not been done sooner.

- 2. For a substantial percentage of the Department, perhaps even the majority, community oriented policing is an aberration and those on the COPS teams are perceived as less than real cops, a state of affairs that works an enormous disservice to the concept and its LASD practitioners.**

Although rarely overtly hostile, some personnel without COPS experience with whom we spoke consider the COPS teams a waste and the underlying concept no more than politically correct garbage. Because the majority of the Department, and particularly middle and upper management, were not perceived as having wholeheartedly embraced the concept, those who really are practicing community policing were seen at times like an alien minority within the organization.

Even more sadly, even on the COPS teams, we still found deputies who need to be coaxed into the right attitude about utilizing community oriented policing skills. (For example, be nice to community members because in doing so, you might be able to turn them into informants, as opposed to being nice to them because that's the right way to interact with the people and helps establish the trust necessary for a common attack on crime.) In fact, within some COPS teams, the deputies who were perceived as having "fallen in love" with their communities, and couldn't do enough for them, were mocked and teased by other team members for their "unnatural" level of commitment. This is part of the price of failing to educate those who are supposedly practicing community oriented policing as well as their peers in other law enforcement roles.

3. Although statistical information is maintained, little effort has been made to gather sufficient information to measure the efficacy of the COPS teams.

Although in one Region there are exemplary statistical records going back nearly five years, in general there was an absence of recordkeeping and analysis to determine whether COPS is making a long term difference in the neighborhoods it has worked in. As noted before, in any head-to-head contest between properly functioning community oriented policing units and traditional patrol teams, the patrol teams will always win the statistical contests for number of arrests, reports, convictions, and citations issued. But it is an unfair comparison: these factors are not the only measure of law enforcement success.

To measure the success of community oriented policing, there needs to be objective and persuasive ways to gauge trends upward or downward in community satisfaction, support, and fear of crime. Admittedly, these things are harder to count than traffic tickets and arrests. But generating this data is essential for community oriented policing's credibility within the LASD and its long term survival. If it cannot justify itself internally, demonstrating that it is making a difference that can be measured objectively in the community's sense of safety, security, and control of its neighborhoods, it will disappear.¹⁰

4. There is, as yet, no organizational manual for COPS teams, thereby allowing station-to-station differences in how COPS teams are run.

In the absence of a clear, agreed upon model of expectations and obligations, each unit has developed its own style, leading to unintended diversity and inconsistency. When hundreds of people spread out in dozens of facilities across the

10. Early in May, we were provided with a monthly activity report for the COPS Bureau for March 2000. It is a beginning, at least.

County are trying to do something new and untried, a reference book is critical to insuring uniformity. To the COPS Bureau's credit, it is currently working on this project, but we question if adequate resources have been committed to produce it any time soon.

5. There is no consistent effort among COPS teams to maintain an organized set of records, allowing for the teams to reach a historical perspective on their territories.

A knowledge of history, it is said, allows the chance to avoid repeating it. Imagine the power that an organized, block-by-block, five-year historical database would confer upon a neighborhood COPS team; a new team member, after ten minutes with a computer, would be up to speed and better able to formulate a sophisticated, historically grounded game plan for responding to current neighborhood events.

COPS teams, due to turnover, lack of Department guidelines, and the absence of clerical staff, do not have the capability to produce and preserve adequate, accessible records of their work. Supervisors said that when they took over, they discovered filing cabinets cluttered with unorganized records, reports, plans, and memos. Given that there was no one available to devote the necessary weeks to transmute the accumulated chaos to a semblance of order, the only thing to do was empty the cabinets, store the material, and start accumulating paper all over. It is a shame that no one has had the time or resources to develop and maintain a computer database.

6. There is an almost entire absence of the necessary administrative staffing by unit clerks and secretaries to permit the sort of minimum record keeping that is desirable.

Imagine for how long and how well a car engine runs without oil; then apply the image to the COPS teams. Typically, the only clerical support COPS teams have been getting is in the form of sworn deputies assigned to light duties as a result of injuries. Often, these light duty deputies were not originally COPS team members and often have not received any of the training. Long term, permanent clerical support, well-grounded in the teams' specialized functions and record keeping obligations, would constitute a relatively cost-effective way to boost productivity without investing in more sworn personnel.

7. There has been an organizational inability or reluctance to provide the supervisory personnel critical to the proper functioning of the COPS teams.

By raw numbers, the ratio of sergeants to deputies within the COPS program is nine or ten to one. Out of the 28 station teams, seven have more than ten deputies reporting to a single sergeant. According to COPS records, there are two sergeants who are expected to supervise substantially higher numbers: one is overseeing 17 and the other 20. Additionally, on paper there are five teams, each with between four and six deputies, without any direct COPS sergeant supervision. This state of affairs is very troubling, particularly without a Bureau manual to provide guidance and where staffing in Bureau headquarters is inadequate to meet its own obligations, let alone fill in this gap in supervision.

While this is understandable in light of the existing budgetary constraints, it is very dangerous. The lack of adequate, involved supervision is often the single common denominator among the various police corruption scandals. Oversight requires spending the money to actually have someone do it.

8. The COPS Bureau at headquarters is also understaffed.

The COPS Bureau must prepare detailed, enormous accounting reports for its grantors. These accounting reports, massive by any standards, are expected to contain balance sheets for each separate grant, with calculations that add up within and across all the spreadsheets. The Bureau frankly does not have the resources to do this complex task in addition to equally heavy responsibilities to produce a Bureau Manual, much less create auditing and tracking systems to make certain that the procedures set forth in the Manual are being followed. If the Bureau headquarters is going to be held responsible for these tasks, it ought to be provided adequate staffing.

9. There is no mechanism for sharing successful operational knowledge with other station Teams. There aren't regular meetings of all the station-level Team leaders so that "cross-fertilization" might be facilitated.

The wheel is being reinvented time and again, from station to station and even in the same station when enough staff have been rotated out that the team "memory" is erased. Regular meetings of all the COPS supervisors from all the various stations would facilitate communication between them about common problems and possible solutions. Because community oriented policing strategies are new, there is not the accumulated knowledge and rote procedures that have been developed for the traditional bread-and-butter police activities. Nonetheless, it is the nature of all police work that similar types of operations are performed over and over again. Accordingly, it makes sense to set out, record, and refine what the common community policing scenarios are and how they should be handled.

10. Individual COPS team operational plans frequently reflected no more than plugged in, boilerplate language. More importantly, there was little evidence of after-the-fact critical analysis, and, when it did occur, it was not documented for the future.

11. Teams are engaging in operations with inadequate training and experience. Because COPS teams have had such loosely defined missions, they have been asked to perform all sorts of operations, frequently without regard to whether they have received the training necessary to safely carry them out.

Figuring out that the community puts a high priority on ridding itself of open-air drug markets is one thing; conducting the sweeps to do so is another. The former is the job of the community police officer; the latter is the job of other LASD specialists. While it is necessary that any law enforcement officer be a generalist to some degree, COPS teams should not try to supplant other specialized units and teams.

Conclusions

Our recommendations can be summarized in the following list:

1. Develop and disseminate core values and a mission statement for community oriented policing to achieve a shared understanding of what it means in LASD. Communicate a single, clear vision of where LASD is going with community oriented policing. Is it only a program for COPS teams or an overall philosophy of policing for the LASD in its entirety? Attempt to train and rotate all personnel through a COPS team if practicable. If not, test and audit whether the Department as a whole understands, appreciates, and supports community oriented policing. In that connection, it is worth revisiting the March 1999 *Community Oriented Policing Three Year Implementation Plan* with an eye toward revising it to meet the worries and confusion so evident in the surveys.

2. Develop and disseminate a COPS Bureau Operations Manual. Apart from everything else, this Manual should mandate consistent record creation, dissemination, and retention.
3. Clarify the COP's teams differing reporting relationships to Bureau headquarters and the station Captains. Ideally, the station captains should "own" the COPS teams and the Bureau's role should be to ensure that grant conditions are met and that Bureau standards are applied consistently throughout the LASD.

Unlike SEB or Narcotics, COPS should not grow into an independent, free-standing, autonomous Bureau. Its mission at each station is too grounded in the specific needs of the neighborhoods served. The COPS teams should be the station captain's eyes and ears as to community needs, supplementing, reinforcing, or, if need be, correcting what the captain learns in the normal course from civic leaders, mayors, city managers, and city council members with whom the captain deals. The COPS teams should be operating at the grassroots level with the Neighborhood Watch, the tenant's groups, Legal Aid, the local faith community, and the like. Together with the captain, COPS should be pooling information to come up with a specifically tailored plan for the particular neighborhoods in question.

4. Better integrate COPS teams in the ongoing work at each station. The station's own supervisors should maintain control of who is in-service and when, what each team's daily missions should be, processing of citizen's complaints against the COPS team or its members, and handling suspects arrested by COPS.
5. Establish a method to evaluate COPS's successes and failures so that fine-tuning will be possible. Develop standards to measure the relative performance of COPS deputies and teams.

6. Assure and adequately fund supervisory staffing for each of the COPS teams.
7. Fund adequate clerical staff for the COPS program in general and for the COPS Bureau to fulfill its mandates to oversee grants, create a Bureau Manual, and set up auditing procedures.
8. Create and distribute protocols, templates, and guidelines for the routine tasks of community policing.
9. Insist upon more meaningful individual operation plans, including post-operation analysis of what went well and what did not.
10. Provide on-going specialized training to all COPS deputies commensurate with their expected range of activities.

As has been often the case, the LASD is the nation's leader among large urban law enforcement agencies in the adoption of new ways and new procedures. As noted in earlier reports, its ability to manage risk and its computerized PPI database are the envy of the nation. So too can it show the way for other large urban agencies in the implementation of community-oriented policing. Up to now, the LASD COPS program has had inadequate guidance and supervision. Due to these shortcomings, the COPS program poses a substantial risk to LASD for untoward, embarrassing misconduct by sworn personnel. There are too few traditional controls, consistency, and trained supervisory staff to provide proper levels of oversight and accountability. That trouble hasn't surfaced yet is due largely to luck. Instead, it should become another example of LASD's cutting edge leadership in the profession.

2 . F i g h t i n g C o r r u p t i o n

As we look more broadly at the LASD's Big Spender scandal in the 1980's, the current fraudulent credit card and drug-dealing scandal at Twin Towers, the allegations in the Auner case, and the ongoing LAPD Rampart scandal, we perceive patterns in common and lessons to be learned, particularly if our experience in Los Angeles is informed by that of New York, as reflected in the Mollen Commission Report of July 1994 ("*Mollen*"). Members of the NYPD had engaged in large-scale narcotics corruption, running the gamut from shakedowns, to thefts of large amounts of money and drugs from warrantless searches and seizures and raids, to off-duty robberies.

The Mollen Commission found that corruption and brutality were inextricably linked, concluding that "any Commission investigating police corruption would be remiss in disregarding brutality." *Mollen*, p. 44. Brutality, Mollen noted, was both "a means to accomplish corrupt ends and at other times... a gratuitous appendage to a corrupt act." *Id.* at 45. Interestingly, the Mollen Commission studied the careers of 234 problem officers that the NYPD had selected as the "most likely to be corrupt, based upon corruption allegations and comments from field commanders." *Id.* at 46. The Commission then "compared the number of excessive force allegations against them with a general random sample of [234] officers from similar commands." *Id.* Corruption-prone officers were found to be "five times as likely to have five or more unnecessary force allegations filed against them than the officers from the sample group." *Id.*

The Commission also found that corruption was similarly closely linked to perjury and falsification of official records. *Mollen* found those links in the form of testimonial perjury, when an officer lies under oath before a grand jury or a trial court; documentary perjury, "as when an officer swears falsely under oath in an affidavit or criminal complaint; and falsification of police records, as when an officer falsifies the facts and circumstances of an arrest in police reports." *Id.* at 36.

Mollen also was struck by the “new character” of police corruption in New York: formerly, individual NYPD officers took bribes from gamblers and prostitutes to get the police to look the other way. In contrast, the corruption the Mollen Commission found involved groups of officers called “crews” that planned and organized corrupt activity and protected and assisted each other. The Mollen Commission found the root causes of corruption to be, among others, “a police culture that exalts loyalty over integrity;” “the silence of honest officers who fear the consequences of ‘ratting’ on another cop no matter how grave their crime;” “willfully blind supervisors [who] fear the consequences of a corruption scandal more than corruption itself;” “the demise of the principle of accountability that makes all commanders responsible for fighting corruption in their commands;” and “hostility and alienation between the police and community in certain precincts which breeds an ‘Us versus Them’ mentality.” *Id.* at 1.

Although the vulnerabilities in the Sheriff’s Department do not seem to be nearly as severe as that of the NYPD, it would be foolish to ignore common elements. The alleged participants in the credit card fraud and drug-dealing scandal are akin to the NYPD’s “crews” or Rampart CRASH in the practice of large-scale, organized, and planned corruption where individuals protect and assist each other. The Auner case raises allegations of falsification of police records that echo the manufacturing of probable cause in the New York and LAPD scandals. The reluctance or slowness of supervisors to use information already at hand to stop incipient or apparent brutality or corruption problems and to affirmatively manage problem employees is another common element.

As noted in the Introduction to this semiannual report, the LASD is far ahead of either the NYPD or the LAPD in having already at hand the tools to monitor officer performance and detect incipient patterns. It has a structure for accountability erected by then-Assistant Sheriff Mike Graham that is rapidly becoming the

national model for fixing responsibility and keeping middle management focused on affirmative, active supervision and control. The LASD has been able to extract lessons from its own severe brushes with corrupt crews of officers in the Big Spender scandal and with allegations of brutality in the Lynwood litigation. It has a strong Internal Criminal Investigative Bureau (ICIB) under the able direction of Captain Sam Dacus.

Nonetheless, more is needed, as LASD executives freely concede. Our recommendations in this regard therefore supplement and build upon the ongoing work of Commanders Scaduto and McSweeney who are working on similar issues. We strongly support their proposed recommendations and will continue to follow their work with great interest. Our focus, then, at least for purposes of this report, is on strengthening ICIB, expanding the LASD's internal auditing and inspecting capacity, and restoring SCIF.

1. **ICIB.** We recommend the creation of a permanent anti-corruption unit within ICIB that would include undercover officers to gather intelligence on corruption and excessive force and to plan enforcement activity accordingly. Whereas in the past it may have been adequate for ICIB to function reactively by responding to allegations of criminal behavior that came to its attention, it is now necessary for ICIB to affirmatively use intelligence work to point to the possibility or likelihood of problems. The full panoply of law enforcement tools that are available for detection of criminal activity on the streets must become available for internal investigations, be it sting operations, court-ordered electronic surveillance, or the use of undercover officers. The recent successes of ICIB's technical staff in the credit card fraud scandal show that the ICIB has the sophistication, technical skill and expertise, and downright cleverness to pull off an amazing job. Yet even the credit card scandal only came to light because of the skill of a talented lieutenant who patiently milked

a jailhouse informant who had something very different than credit card fraud in mind when first approaching the LASD. Affirmative intelligence gathering is needed.

Stings—both specifically targeted and impromptu—are also part of the arsenal. There is much about a random or impromptu sting that makes one queasy. They clearly proceed from gloomy assumptions about the honesty and integrity of one's peers and employees that are hard to stomach. Stings, especially ones that turn up dry, are insulting and offensive to the individual who is tested. Huge dragnets and a reign of terror must obviously never be allowed to occur. Yet in those areas where the temptation is the highest (constant contact with drugs and money in large amounts); where integrity is absolutely paramount (field training officers; officers using informants); and where the risks of excessive force or misconduct is greatest (specialized units like gang suppression or COPS teams; officers with problematical indicators), a measured and judicious use of stings is a tool that cannot be foresworn.

2. **Inspections and Audits.** The ability to conduct regular, department-wide unannounced audits is a critical necessity, and the LASD's has not consistently and regularly been able to do so. In recent years, the overall ability of the LASD to conduct inspections and audits has eroded. Moreover, the special project teams in the Undersheriff's office that the Block administration had used for long-term probes, audits, and analysis have been disbanded. Additionally, performance review teams, which looked deeply into the careers of potentially problem officers, are no longer functioning the same way, if at all. Finally, the so-called SCIF process, a key element of the accountability structure which functioned well until a year and a half ago, has lost much of its punch and vigor. We strongly recommend that each of these trends be reversed: In its own best interests, the LASD needs to pour resources into inspections, audits, long-term studies, performance review, and strict accountability programs like SCIF.

3. **SCIF.** SCIF is the LASD's acronym for its widely-praised and successful accountability program where captains and lieutenants were held to answer for increases in crime within their precincts as well as for increases in citizen's complaints and other indicia of risk of police misconduct. Aided by a compilation of data and statistics known as CARS reports, the executives who ran SCIF were able to tightly manage risk. With up-to-date data in the hands of both the executives and the captains, there was no pleading ignorance of the facts.

Captains knew that each month or so they would be held to account for the success or failure of their crime prevention and risk management strategies in the presence of peers and superiors. SCIF forced captains to be fully knowledgeable and responsive or risk embarrassment, or worse, if they were poorly prepared or could not explain or reverse apparently worrisome trends. LASD executives said that SCIF was to middle management as the PPI was to deputies: The data gathered on each unit and division represented an accurate outline sketch of management performance over time. The data was catalogued and tracked so that the performance of given managers could be compared to their own past performance and that of their peers. The data collected for SCIF was a pointer to potential problems in the same way an early warning system points to potential problem officers. The collected data and statistics were not an end in themselves; rather, they were a set of signals or warnings to prompt deeper inquiry and analysis.

Today, SCIF has been downgraded and depends principally upon the dedication of regional chiefs in pursuing what used to be a Department-wide commitment at the highest levels to risk management. The degree to which SCIF is pursued with vigor varies now from region to region. Concededly, SCIF was unpopular with captains. The process was tedious and boring to some; insulting to others; terrifying to a few; and a large investment of time to all concerned. It epitomized what some chose to see as the arrogance, high-handedness, and holier-than-thou attitude

of LASD executives, and it frequently evoked in captains the “who-in-the-hell-are-you-to-tell-me-how-to-run-my-station” response. After a divisive election, Sheriff Baca wanted to right perceived wrongs, massage bruised egos, and establish an atmosphere of greater comradeship and mutual respect. To that end, he said he preferred carrots to sticks and de-emphasized SCIF.

We favor a return to a Department-wide SCIF, albeit trimmed, perhaps, of its possible excesses. Although it was talked about as the equivalent of the Red Guards publicly humiliating and browbeating the capitalist roaders, it was in truth rather tame. And, in any event, a bruised ego or two might be worth the price if the alternative is vulnerability to the kind of supervisorial “mediocrity” discussed in the LAPD’s Board of Inquiry Report. Nonetheless, SCIF should be re-instated in a manner that encourages the willing assent of all concerned to holding each other mutually accountable and responsible.

We emphasize once again, as we do throughout this Report, that we have not unearthed current evidence of malfeasance in the Sheriff’s Department on the scale of Big Spender or Rampart or the NYPD. On the other hand, neither do we give the LASD a clean bill of health. We are focused on risk and vulnerability, and, as said in the last chapter, we found sufficient evidence of vulnerability to cause us to recommend that the LASD shore itself up.

3 . C a n i n e s

The LASD's Canine Services Detail experienced an increase in the bite ratio to 17 percent for calendar year 1999. The increase is cause for serious concern but not cause for alarm. In general, the canine program seems to remain competently managed. We will watch carefully to see whether 1999 was an anomaly or represents a retreat from the welcome downward trend in the bite ratio in recent years. Since 1996, the bite ratio has been below 20 percent, and, in both 1997 and 1998, it was comfortably below ten percent. Table One sets forth relevant data on the Canine Services Detail for the years 1991 - 1999.

During 1999, the bite ratio varied considerably depending upon the station utilizing the services of the Canine Services Detail. Thus, the 15 bites in 1999 were clustered in seven stations or facilities out of 20 surveyed. Century Station accounted for six of the 15 bites, or 40 percent of all bites. No other station had more than two bites. The uniquely high number of bites at Century Station is puzzling. We recognize that Century accounted for the greatest number of searches involving canines: 98 searches, or 18.2 percent of all LASD canine searches. The next highest number of searches—57—occurred at Lennox Station, which represented 10.6 percent of all LASD canine searches. We also note that Century accounted for the greatest number of finds—24 finds out of the 98 searches (24.5%). The next highest number of finds was far less—8 finds at the East LA Station. Nonetheless, the concentration of bites at Century is perplexing: We are uncertain why Century accounts for a higher percentage of bites (40%) as contrasted to its percentage of searches (18.2%) and its percentage of finds (24.5%).

During 1999, no one handler had a disproportionate share of the bites: Of the seven handlers, three had three bites each; two had two bites each; and two had one bite apiece. Not surprisingly, eight of the 15 bites occurred on Friday, Saturday, or Sunday nights. Of real concern is that a K-9 sergeant was present at only four of

Year	Deployments	Finds	Bites	Ratio	Ethnicity	
1991	1228	213	58	27%	African-American	23
					Latino	24
					Anglo	9
					Other	2
1992	1030	225	51	22%	African-American	13
					Latino	30
					Anglo	6
					Other	2
1993	940	179	42	23%	African-American	22
					Latino	13
					Anglo	6
					Other	1
1994	921	183	45	24%	African-American	19
					Latino	18
					Anglo	7
					Other	1
1995	840	151	31	20%	African-American	14
					Latino	12
					Anglo	3
					Other	2
1996	708	121	15	12%	African-American	5
					Latino	9
					Anglo	0
					Other	1
1997	734	115	10	8.7%	African-American	3
					Latino	6
					Anglo	1
					Other	0
1998	626	84	7	8.3%	African-American	1
					Latino	5
					Anglo	1
					Other	0
1999	539	88	15	17%	African-American	7
					Latino	8
					Anglo	0
					Other	0

the 15 bites. To be sure, there was a sergeant present at each bite, but except for two instances in which an SEB sergeant was present, the supervising sergeant was from the involved station. The absence of a K-9 supervisor possibly contributed to the greater number of bites. We recommend, therefore, that staffing levels in the Canine Services Detail be increased so that a K-9 sergeant can reliably be present to direct the activities of the handlers and thus control unnecessary bites.

A review of the demographics of the persons bitten discloses cause for concern as well as cause for praise. No suspects under the age of 18 were bitten, and that is cause for praise. This is especially so because during 1999, the Canine Service Detail was deployed for the first time in several years on grand theft auto searches, as reported more fully in our **Eleventh Semiannual Report**. One concern we had about such canine searches is that the suspects are often very young people, including joyriders. Thus far, at least, there has not been an increase in bites of juveniles. We thus did not find that there was a correlation between the higher number of bites in 1999 and the new rules for grand theft auto, although we will continue to monitor this as the number of GTA searches increases.

Less welcome news from 1999 statistics is that all 15 bites were either of African-Americans or Latinos. We do not mean to suggest racial bias or animus, but we remain curious why minorities receive more bites year after year. Clearly, the number of searches involving canines are overwhelmingly concentrated in areas with large minority populations and correspondingly low Caucasian populations. The three stations generating the most searches—Century, Lennox, and East LA—have the lowest percentage of Caucasians of all the areas served by the LASD. Conversely, of the six stations with the fewest number of searches, four have among the highest percentage of Caucasians of all the areas served by the LASD, including Malibu/Lost Hills and West Hollywood, which rank number one and two respectively in the highest proportion of Caucasians.

To be sure, we have not yet attempted to correlate crime rates and arrest rates with canine searches. Nor have we attempted to look throughout the LASD service area for those crimes most likely to generate canine searches (burglary, robbery, murder, and carjacking) to test whether arrests for those crimes are accomplished without dog searches and bites in white neighborhoods yet lead to dog searches and bites in minority neighborhoods. Given recent national attention on racial profiling issues, it would be wise for the LASD to run those numbers and analyze the results before we do so.

On the positive side, it is noteworthy that no person has had to be admitted to a hospital because of a LASD canine bite since 1995. This does not mean that emergency room visits and stitches for lacerations have not occurred. But it does mean that the most gruesome and damaging bites are not happening. Moreover, there have been no new lawsuits filed as a result of canine activities since 1995. Of the total docket of LASD cases in litigation, currently only five involve canine activity.

We reviewed all 15 bites that occurred in 1999 and had some concern about two of the bites because of the distance between the handler and the suspect who was bitten. Two searches involved a distance of greater than 30 feet, and one search involved a distance of between 80 and 90 feet. Of the two searches at a distance of greater than 30 feet, we had some minor concerns with one of the searches and none with the other. We had problems with the search involving a distance of more than 80 feet, and so did the Canine Service Detail. A dog roaming off-leash from the handler is less easily controlled. It is more difficult for the handler to keep the dog from biting or getting the dog to release the bite before a struggle with the suspect causes unnecessary further injury. We were also troubled about a lack of air support in connection with several searches where we believe a helicopter would have been of great use and might have helped induce a voluntary surrender without a dog bite.

In summary, our principal concern from our review of 1999 has to do with the high percentage of canine bites at Century and the number of canine searches that were not supervised by a sergeant from the canine unit. We wonder if adequate supervisory control is being exercised by canine supervisors. It may possibly be that some bites are occurring that would not if a canine supervisor were present to enforce and reinforce the stricter rules that in 1997 and 1998 led to a far lower bite ratio. As an anomaly in one given year, a 17 percent bite ratio, as noted earlier, is cause for concern but not alarm. A bite ratio in the LASD in excess of 10-12 percent for two years running would be cause for alarm. The LASD has shown itself capable of bite ratios below 10 percent in recent years. More than double that ratio in 1999 should be cause for reflection—as it clearly has been in the unit and at the regional level—and cause for tightening procedures and supervision. We conclude by commending Chief Bayless, Commander Cavanaugh, and the Canine Detail Captain, Lieutenants, and Sergeants for their candor, openness, and sincere efforts to come to grips with the bite ratio and the questions it raised. Their objectivity, intellectual curiosity, and lack of defensiveness engender confidence that the problems will be solved.

4 . M e d i c a l C a r e i n t h e J a i l s

The provision of medical care to inmates in the Los Angeles County Jail system has been a significant source of concern and the subject of several Semiannual Reports. During the last six months, at the direction of the Board, the County has focused with greater rigor on the issues involved. Operating through the office of County Risk Management Inspector General Michael Kranther, the County has collected and reviewed recommendations from many sources about improving inmate health care. This Chapter will discuss our perception of the principal issues involved and the set of recommendations we made.

Inmate medical care presents the County with substantial liability risk from three principal sources:

1. *Chronic understaffing of Medical Services and the Department of the Mental Health (DMH).* In the case of Medical Services, the chronic understaffing is most acute at the nursing level. With DMH, the chronic problems are at the psychiatrist and psychologist levels. As a result, the County faces the possibility of liability for:
 - a. Failed delivery of medications, including continuing lapses and breakdowns in the delivery of medicine to inmates going to court and otherwise in movement throughout the Los Angeles County jail system;
 - b. Considerable and chronic delays before an inmate can see a doctor in the first place and subsequent long waits for follow-up visits and treatment;
 - c. Inadequate documentation of medical care, including duplicative, poorly organized, incomplete, and chronically unavailable medical charts; and
 - d. Lapses in identification, triage, placement, and treatment of sick inmates when they first enter the Los Angeles County Jail system at the Inmate Reception Center.

These assessments are based in part upon our monitoring of medical issues over the last six years and in part on an investigation we undertook in the last few months. To better assess the current state of medical services in Los Angeles County jails, we undertook to analyze the more than 7,000 inmate complaint forms submitted in

1999 relating to medical services. We took two approaches to the data. First, we read and analyzed a random selection of approximately 25 percent of the complaints. In addition, we reviewed statistical information maintained by the Sheriff's Department regarding the complaints and their ultimate dispositions. We are in the process of analyzing an even wider sample, and we will report more fully on our conclusions in the next **Semiannual Report**.

Our review to date nonetheless confirmed that problems identified in our earlier semiannual reports persist, despite genuine efforts by the Department to address them. These include:

- Serious delays for doctor and dentist appointments and exams;
 - Interruptions in prescription medications because of lack of access to MDs;
 - Delays and errors in dispensing medication because there are too few nurses and those who are there are chronically overworked;
 - Interruptions in prescription medications and special diets for transferred inmates; and
 - Prescription medications and other treatments prescribed at IRC screening exams or by other physicians are not delivered to inmates.
2. *Periodic but persistent provision of substandard medical care by physicians engaged by Medical Services as evidenced by the increasing malpractice caseload and the costly settlements and judgments in recent years.* As a result, the County faces the possibility of liability for:
- a. Failure to provide medical care meeting requisite legal standards in custodial settings, particularly in the areas of chronic and long-term disease;
 - b. Failure to respond appropriately and in a timely fashion to provide short-term care, responses to emergencies, and ongoing courses of treatment, including the necessity to transport inmates away from Twin Towers to County-USC Medical Center for specialized treatment; and

- c. Failure to respond appropriately and in a timely fashion because of the necessity to transport inmates from outlying jail facilities to the downtown area for diagnosis and treatment in some instances.

Five cases that settled during the last six months illustrate these points. As is always the case with litigation, the events giving rise to the lawsuit may have occurred three or four years ago. Because of the time lag, the Department often claims that in the interim, the problem has been addressed. The examples we cite, however, are symptomatic of ongoing problems we encountered in our most recent review.

Arriaga v. County of Los Angeles. Jose Arriaga was involved in a jailhouse disturbance and a fight with other inmates. Although he denied that he was injured, a videotape showed a contusion above his left eyebrow. The next day, when custody personnel went to take Arriaga for a court appearance, he was found unconscious. He was treated in the clinic by a nurse. The nurse consulted with an on-call doctor by telephone who diagnosed the matter, without seeing the patient, as hypertension and prescribed high blood pressure medication. An entry was made in Arriaga's chart that he was to see a doctor the next day. Despite the notation, he was transferred to another jail facility without seeing a doctor. At midnight, he was again found unconscious and was sent to a hospital emergency room. A CAT scan revealed a cerebral hematoma. Surgery was performed, but Arriaga did not recover and died shortly thereafter. Several apparent errors had occurred: failure to recognize and deal with a head injury that showed up on the videotape; treatment by telephone; failure to get Arriaga to the doctor as noted in the chart. The case was settled.

Zink v. County of Los Angeles. Donald Zink was 28 years old at the time of his arrest. He was sent to County USC Medical Center after his arrest for treatment of injuries he had sustained in an automobile accident and then was taken to Men's

Central Jail. An x-ray taken while he was at County USC showed no evidence of tuberculosis. While at Men's Central, Zink was made to sleep on the floor for a week with open wounds from the automobile accident. He was put in a cell with five other inmates that was designed for only four inmates. The cell was generally unsanitary. There were "documentation problems" regarding changes of bandages he was supposed to have received. In the cell was another inmate who coughed continuously and was suffering from active tuberculosis. Zink alleged that his requests to be transferred to another cell were ignored by jail personnel. He later came down with tuberculosis. Questions arise why the inmate with active TB was not screened out when he was at the Inmate Reception Center; why an inmate with open wounds was made to sleep on the floor; whether his bandages were ever changed as they were supposed to be; why Zink's requests for a transfer were ignored. The case settled.

Llamas v. County of Los Angeles. Llamas was a 30-year-old inmate at the North County Custody facility. On November 19, he complained of pain in his left ear and gave a history of chronic ear infections for 15 years. It was noted on his medical chart that a yellow substance was draining from his left ear, and an order was given for him to see a doctor. There was no evidence that he ever did. On December 15, he again complained of pain in his left ear. He was examined by medical personnel and given antibacterial eardrops. On December 30, he complained of dizziness and left ear pain. Medical personnel noted that his left ear was red and swollen and discharging a yellow substance. He was given dizziness medication and an order was written for his transfer to County USC Medical Center for further treatment. Despite the order, he was never transferred. On January 2, and continuing through January 17, he continued to complain of pain and swelling in his left ear, and a yellow substance continued to drain. On January 17, it was noted that he was pale, had an unsteady gait, slurred speech, and a headache.

He was then transferred to County USC. He was diagnosed as suffering from an acute ear infection that had extended into his cranium. In addition, an abnormal amount of spinal fluid had built up in his head and was putting pressure on his brain. The next day, he underwent emergency surgery to drain spinal fluid from around his brain and to remove an infected portion of bone at the base of his skull. As a result, he appeared to have suffered a degree of brain damage. Because of the compounded failures to treat him and transfer him as ordered, the case settled.

Tayser v. County of Los Angeles. Tayser was a 44-year-old male who advised the staff on intake that he had a history of heart problems and needed a special diet. Tayser's private doctor was not consulted and his medication was not provided. He had a heart attack shortly thereafter. The case was settled.

Craig v. County of Los Angeles. Craig was a 35-year-old male whose jaw was injured on March 24 while he was in Men's Central Jail. An x-ray was taken on March 28 which confirmed a broken jaw. He nonetheless was not treated until he was transferred to County USC Medical Center on April 3. The failure to wire his jaw in a timely manner left him with permanent injuries which will require further surgery to correct. The case settled due to a failure by the jail medical staff to refer Craig to a specialist when he presented an injury that was beyond the expertise of jail medical staff to handle.

3. *Lapses in treatment and care because of difficulties in coordination and communication between and among Medical Services, DMH, and the Sheriff's Custody personnel.*

As a result, the County faces liability for:

- a. Breakdowns in communication and coordination, leading to failures to provide medication and timely medical care, including failures to track inmates as they move around the system;
- b. Absence of clarity in lines of authority; and

- c. Absence of clear rules resolving the interplay of medical, psychiatric, and custodial priorities.

A recently-settled case illustrates these points. In *Saunders v. Block*, Saunders alleged that despite having informed custody personnel during the screening process on intake that he was gay, he was nonetheless denied housing in a unit set aside for gay inmates because “he did not appear to live a homosexual oriented lifestyle.” He was thus housed in the general population, where he claimed that he was repeatedly threatened, beaten, and sexually assaulted. His file showed that he had filed at least seven Inmate Complaint Forms complaining about the Department’s failure to house him with other gay inmates. The LASD’s internal Inmate Injury Reports showed that he was injured on at least nine occasions. Some of the injuries were inflicted by others; others were self-inflicted. He cut his wrists, swallowed razor blades, and drank chemicals like powdered Clorox. The suicide attempts required hospitalizations and psychiatric suicide watches. The case settled. Questions arise about the combined unwillingness or inability of the custody staff, the medical staff, and the psychiatric staff to realize what was occurring, communicate with each other, and get Mr. Saunders to a setting where he was adequately protected from injury by other inmates or by himself. Questions arise why no one on the custody staff, medical staff, or psychiatric staff credited his assertions that he was gay. Questions arise why even after seven Inmate Complaint Forms and nine Inmate Injury Reports something was not done. Saunders, who represented himself in pro per, settled for a pittance.

These sources of concern and liability have been the focus of a number of recent investigations and studies, including those performed by the United States Department of Justice (DOJ) on mental health and associated medical issues, our Semiannual Reports, and a lengthy and detailed investigation by the County’s own Department of Health Services based upon the observations of its Jail Health

Services Review Committee. Although the report of that investigation has not been formally presented and apparently remains in draft form, the Department of Health's *Recommendations Concerning the Provision of Health and Mental Health Services in the Los Angeles County Jail System* ("DHS Study") is a template for reform and reduction of liability. The latest draft we reviewed is dated August 1999 and is based primarily upon studies conducted in 1998. It is vital to note, however, that cognizable progress has been made since the study which might mitigate, at least in part, the harshness of some of its conclusions. Nonetheless, it remains a relatively current and accurate document and comports with our own impressions of the current state of affairs.¹

Our recommendations to reduce liability and exposure and enhance the provision of medical and mental health services can be summarized as follows:

1. Immediately seek licensure as a Correctional Treatment Center for the Medical Services Building at (MSB) Twin Towers. This will cure current staffing deficiencies and will resolve a longstanding open item on the County's agenda.
2. To the extent currently deficient, make certain that medical services and mental health services fully conform to Title 15 standards and that adequate mechanisms for external monitoring and oversight are in place.
3. Seek IMQ certification for the MSB by the end of 2000 and for Men's Central NCCF, CRDF, and all other areas in the Los Angeles County Jail System in a

¹ It is important to acknowledge the substantial and considerable efforts by Dennis Dahlman, John Anderson, Taylor Moorehead, Richard Moak, among many others in the LASD, to improve the delivery of medical care. Similarly, Drs. Reitz, Shea, and Klotz and the DMH staff have substantially advanced the quality and consistency of mental health care. Although much remains to be accomplished, there has been progress, as DOJ and others have noted. It is also important to similarly acknowledge the hardworking and long-suffering LASD nursing staff, including especially the clinical nursing directors, the high quality of the LASD's Medical Director and Assistant Medical Director, and the exemplary care provided by several of the LASD physicians.

structured and phased way by the end of 2002.² As noted in the DHS Study, “Given the complexity of the administration of jail health services, and the dangers of jail related medical and mental health care litigation, many counties now opt for IMQ certification as their minimum jail health services delivery standard. Two of the primary benefits of accreditation are the pro-active aspects of the standards which work to eliminate litigation, and the clarity of the standards, the latter of which enables a county to accurately audit the performance of health services providers.”³

4. Transfer the provision of emergency, inpatient and outpatient specialty visits currently taking place at County USC Hospital or elsewhere to the Medical Services Building under a contract to be negotiated with a university hospital, be it USC or UCLA. As of fiscal year 1996-97, there were a total of 5034 emergency visits (including inpatient admissions) and 4064 outpatient visits at County USC for a total cost of more than \$10 million. The logistical and other difficulties necessitated by the transportation of inmates and coordination between the LASD and
2. There are currently 19 California adult detention systems that are currently accredited under IMQ standards. None of the 19 is near the size and complexity of the Los Angeles County Jail system. Accordingly, reaching IMQ standards for certification for Los Angeles County could be an expensive and difficult exercise. Additionally, it may set a floor for medical care in the Los Angeles County jails that is higher than the minimum standards that County Counsel believes is currently applicable. Thus, the matter of IMQ certification must be given careful thought and planning. We suspect that the costs to the County in the long run from failure to meet IMQ standards outweigh the short-term costs and attendant risks. Notwithstanding the foregoing, we have not seen a careful cost-benefit analysis of attainment of IMQ standards and would urge the Jail Health Services Review Panel to conduct such a study.
 3. Of particular importance are Title 15, section 1202 (IMQ standard 105), and Title 15, section 1203 (IMQ standards 201 and 209). IMQ 105 mandates the identification and monitoring of areas of high utilization, high cost, and high risk in jail health services delivery so that problems can be identified and corrective action implemented prior to an unwanted outcome, such as an in-custody death or malpractice, having occurred. The relevant IMQ standard requires systemic quality control mechanisms and reporting. The County should order that jail medical and mental health services immediately be brought into compliance with IMQ 105 standards.
- IMQ 201 and 209 deal with health care staff qualifications and establish a structured program for the privileging and credentialing of physicians and mid-level providers. The County should similarly order that jail medical and mental health services immediately be brought into compliance with IMQ standards 201 and 209.

County USC is a source not only of cost but also of potential liability. Provision of those services at Twin Towers in the Medical Services Building by a highly qualified medical staff under the direction of a university medical school would be a substantial step forward.

5. To the extent that (4) above cannot speedily be accomplished, implement existing proposals formulated by Chief Taylor Moorehead and Lieutenant Richard Moak for the provision of services by USC Medical School to the Inmate Reception Center at Twin Towers. Implementation of those proposals will serve to lessen the risk that sick inmates in need of treatment are missed at IRC.
6. Require preparation in connection with licensure and IMQ certification of detailed rules and procedures that address and resolve conflicts and ambiguities in the respect roles, power, authority, and precedence of Medical Services, DMH, and the Custody staff in a way that elevates and heightens health related concerns.
7. Examine the feasibility, costs, benefits, strengths and weaknesses of contracting out all or part of the remainder of medical services to a university medical school, be it USC or UCLA.
8. Examine the feasibility, costs, and benefits of telemedicine as a mechanism to avoid unnecessary transportation of inmates with the attendant risks.
9. Implement as quickly as possible computerized medical records and systems for bar-coding or otherwise identifying and tracking inmates so that they get their medication, do not miss scheduled doctor's visits, are taken to the hospital when the doctor has so ordered, and see specialists in a timely fashion.

The **Eleventh Semiannual Report** evidenced substantial concern that the LASD was considering significant changes to its Personnel Performance Index, or PPI, the LASD's powerful relational database which records and reports on its employees' use of force, citizen's complaints, administrative investigations, lawsuits, and disciplinary history. The PPI is the strongest and most carefully constructed tool for risk management and control of police misconduct currently available in the United States. We deplored the possibility that the LASD would limit the flexibility and usefulness of the database by rendering information inaccessible or more difficult to retrieve. We predicted that the Sheriff, who is well versed in the merits of accountability and risk management, would not let it happen, and he did not. At the behest of the Board of Supervisors, an agreement was reached between the Sheriff and Special Counsel that preserved all the data on the PPI and articulated new standards for when adverse findings would mandatorily disqualify individuals from special assignments and promotions. At the same time, the agreement created new protections against misuse of PPI information. The agreements took the form of stipulated revisions to the LASD's Policy Manual, set forth in full in Appendix A to this Chapter.

The main points in the Policy Manual revisions preserving and strengthening the PPI are:

- All underlying documentation, reports, or data entered into or generated in connection with the PPI shall be maintained indefinitely and shall not at any time be purged or otherwise eliminated from the database.
- The PPI Profile Report, one of many reports produced by the PPI, will contain permanent entries for the employee's entire career that reflect all founded administrative or criminal investigations with adverse findings about an employee's honesty, integrity, truthfulness, practice of discrimination or harassment against protected

groups, misuse of significant force, conduct toward others, or continuous discourtesy.

- Credible instances and patterns of inappropriate conduct shall influence selection for assignments, promotion, personnel evaluation, and imposition or augmentation of discipline to the extent appropriate and permitted by law.
- Adverse findings concerning an employee's honesty, integrity, truthfulness, practice of discrimination or harassment against protected groups, or misuse of significant force, shall be disqualifying for bonus positions, assignments to specialized units, and promotions to the extent permitted by law.

Because deputies and their union had expressed concerns about the potential abuse of the data on the PPI, a number of protections were built into the revised Policy Manual to allay these worries. Among them were:

- In no circumstances shall managers and executives use the mere number of incidents shown on the PPI as the sole basis for evaluation of or for personnel decisions affecting an employee.
- Managers and executives shall consider the nature of an employee's assignments and the units to which the employee has been assigned when making personnel decisions concerning an employee.
- Isolated instances of minor misconduct shall not be automatically disqualifying for promotions or desirable assignments or transfers.
- Where five years or more has elapsed since minor misconduct occurred, and where there are no additional instances or patterns of misconduct in the interim, the isolated misconduct dating back more than five years shall be given little weight or disregarded, as appropriate, in making personnel decisions.

The revisions to LASD policy described above are an effort to accommodate management's need to have access to the information that bears most relevantly on personnel decisions and the interests of employees in limiting the misuse or unfair

application of the information in the computer. We intend to audit the PPI and monitor its use to assure compliance with the agreements described above. In particular, we will search for evidence that credible instances and patterns of serious misconduct are in fact disqualifying individuals from promotions and specialized assignments. Additionally, we will test whether the protections enacted for the deputy's benefit are in fact shielding employees from unfair use of the information. We are also interested in exploring whether the PPI is being used adequately by counsel to defend the County and individual deputies in litigation. Finally, we will continue to monitor how well or poorly the LASD uses the PPI to identify incipient misconduct, potentially problem officers, and troublesome patterns.

In the wake of the LAPD's Rampart scandal, there can be no excuse for the LASD not to use the PPI to its fullest potential. The Board of Inquiry report concedes that the LAPD's failure to have a powerful early warning and tracking system like the PPI prejudiced the LAPD's ability to pick up warning signals of corruption. The LASD, which wisely implemented the Kolts recommendation to create the PPI, has no excuse not to use this powerful tool. Even so, we remain troubled that there still is not a strong consensus by management and employees alike to use the PPI affirmatively to identify and manage incipient misconduct. Nor is there a strong consensus that negative performance in sensitive areas like use of force must become significant hurdles to advancement, promotion, and favorable assignments. Unabated efforts by organized labor to shield poorly performing law enforcement officers from public and internal scrutiny, combined with occasional lack of backbone and will by executives, mean that any victories to date in the battle for accountability are not decisive ones.

The ultimately unsuccessful machinations that took place inside the LASD to gut the PPI does not mean that the threat to responsible data collection is over. Losses within the Department can be recouped in Sacramento. Representatives of

police officers and sheriff's deputies are lobbying again this year for legislation to limit the collection of data on officer conduct. Staggering is the best way to describe the body of narrow special-interest legislation enacted to protect law enforcement from public scrutiny and accountability in the name of being pro-law enforcement and anti-crime. A prime example is Penal Code Section 832.7 that shields disciplinary determinations for peace officers from public scrutiny except in the most limited of circumstances.

Any member of the public can open the California state bar journal and read a complete list of names of all lawyers who have been disbarred, resigned in lieu of disbarment, were suspended, put on probation, or subject to public reproof. There is a specification of the precise conduct by the lawyer that led to the disciplinary action and the reasons for the discipline imposed, including mitigating and aggravating factors. Similar disclosures are routinely made public for other professionals. When those entrusted with broad powers over individuals are faithless to their trust, it very much is the public's business to know. Ironically, and wrongly, law enforcement personnel, who have the lawful power to kill and use other physical force, are largely exempt from public exposure even when their departments have found that they engaged in serious wrongdoing.

Putting public scrutiny aside, it is hard to figure out what law enforcement hopes to gain by keeping data about their performance shielded from internal scrutiny. With the exception of the military, law enforcement agencies take the prize for the most minute gradations in rank and title, specialized units, coveted assignments, bonus positions, desirability of work locations, perquisites, and preferments. Advancement and promotion within the LASD, as within other law enforcement agencies, is ripe for subversion by favoritism, patronage, innuendo, and disinformation. LASD executives have been frank in acknowledging that promotional decisions and assignments have been made, at least in part, to reward friends and punish enemies.

Even a cursory review of written personnel evaluations, where all but the most hopelessly inept are always rated “outstanding” in all categories, underscores that the formal structure for rating employees has been subverted and undermined. But why, and for whose benefit?

It does not make intuitive sense why law enforcement personnel should conclude that it is ultimately in their individual or collective best interests to subvert accountability. Law enforcement, by its very nature, means that individual officers work autonomously. They cannot be actively overseen and overheard by supervisors every minute of the day. As many video cameras, tape recorders, and live action TV cop shows as there may be, they will still fail to capture in real time all relevant interactions between the police and the public. Necessarily, then, the quality of an officer’s performance cannot be measured entirely by direct supervisorial observation.

Nonetheless, accurate assessments of patrol officer performance can be made, largely by examination of post-arrest facts. Did the arrest lead to a filing or a rejection by the prosecutor? If filed, did a conviction result based upon the credible testimony of the officer? Was there an acquittal because the trier of fact did not believe the officer? If a filing was rejected, was it because of procedural or constitutional flaws in the events surrounding the arrest? Did the event generate a citizen’s complaint or a commendation? Was force used on the suspect, and in hindsight and in the absence of a videotape, was it objectively reasonable and justified?

Given that a nuanced and complete appraisal of officer performance is possible, one would think that a given officer would prefer hard data to rumor. A decision, therefore, to reject the collection of hard performance data in preference for a system for advancement that depends significantly on luck, the ability to become

someone's protegee, and a host of other subjective factors must be grounded in profound cynicism about the way the game works: a belief that there is always some way that one's superiors will circumvent any formal structure for evaluation and appraisal of performance, that the rules of the game are only hortatory and never binding on one's superiors, and that if any rule can be bent, then the winner in life's games are those best able and most willing to manipulate. (And if that cynicism colors an officer's perception of the way things are stacked inside the department, then one wonders whether these perceptions carry over into attitudes about how law enforcement should deal with the public.)

Some particularly vocal deputies complain with bitterness about the perceived unfairness when race, ethnicity, or gender enter into promotional or other decisions. Similarly, some deputies protest rancorously when an individual is promoted whom everyone knows is obsequious and fawning. Some deputies get very exercised when an unfounded citizen's complaint is made. But the same individuals are strangely silent when someone with a founded complaint for serious misconduct manages nonetheless to become a field training officer. The complaints about the unfairness of the process might have greater force if deputies instead worked with management to assure that all the relevant data be on the table so that the truly meritorious candidates could succeed.

*Revised LASD Manual Sections Regarding the PPI
Agreed to by Sheriff Baca and Merrick Bobb*

1. 3-02/085.20

The following categories of records are maintained in automated databases commonly referred to as the Personnel Performance Index (PPI).

- Administrative investigations (including preventable traffic collisions),
- Public commendations and complaints (Service Comment Reports),
- Force review documentation,
- Shooting review documentation,
- Lawsuits,
- Civil claims,
- Pitchess Motions,
- Executive Commendations, and
- Such other and further data as management may from time to time specify.

All underlying documentation, reports, or data entered into or generated in connection with the PPI shall be maintained indefinitely and shall not at any time be purged or otherwise eliminated from the database. The report commonly known as the “PPI Profile Report” shall display to the full extent permitted by law all entries in all PPI categories generated within the prior ten (10) years. Such complaints, reports, or findings relating to such complaints as are the subject of Penal Code Section 832.5 shall be retained in separate files as said Penal Code provision requires. Such complaints may not be used for punitive or promotional purposes as

set forth in Penal Code Section 832.5 (b)(2).

Entries reflecting the disposition of citizen's complaints and administrative investigations that are more than a decade old will be moved in their entirety from the PPI Profile Report to a report in identical form to be known as the "Supplementary PPI Profile Report" with the exception that each and every founded administrative or criminal investigation containing adverse findings concerning an employee's honesty, integrity, truthfulness, practice of discrimination or harassment against protected groups, or the misuse of reportable significant force (as defined at Section 5- 09/430.00 of the Manual), conduct toward others, continuous discourtesy, or such other categories as the Sheriff may from time to time designate (collectively, "Permanent Entries"), shall be retained indefinitely on the "PPI Profile Report."

An employee may petition the Sheriff to exercise his discretion to move the record of citizen's complaints and administrative investigations, other than Permanent Entries, from the PPI Profile Report to the Supplementary Profile Report when five years has elapsed since the event in question and where no credible instances or patterns of inappropriate conduct have occurred in the interim. The PPI Profile Report and the Supplementary PPI Profile Report shall be available to supervisors, managers, and executives in the same manner and with the same ability to gain access as the PPI Profile Report is currently available and accessible. Both the PPI Profile Report and the Supplementary Profile Report may be used to the full extent permitted by law.

2. 3-02/085.30. Management Guidelines

The PPI databases, including the PPI Profile Report and the Supplementary Profile Report, provide managers and executives with readily accessible documentation in summary form about certain categories of incidents, including but not limited to all uses of force, shootings, citizen's complaints, administrative investigations, criminal investigations or prosecutions, civil claims, civil lawsuits, Pitchess motions, and disciplinary history. However, the databases do not contain or produce complete performance information about any employee.

Supervisors, managers, and executives shall consult such databases, including the PPI Profile Report and the Supplementary Profile Report. Supervisors, managers, and executives shall in addition remain aware that the process of counseling, evaluating or appraising the performance of an employee depends not only on reports, statistics, and documentation available from the Personnel Performance Index, but also on the personnel folder and the unit performance log as well as other manual or automated information that is maintained or may in the future become available respecting an employee's performance. Supervisors, managers, and executives are under an affirmative obligation to consult and consider such files and records as necessary and appropriate in addition to the Personnel Performance Index.

Managers and executives are accountable for using the Department's automated summary information as an aid or pointer to decide if and whether other appropriate documentation should be consulted and considered in connection with personnel decisions affecting employees.

In no circumstances shall managers and executives use the mere number of incidents shown on a profile or other report, or numerical formulas derived therefrom, as the sole basis for evaluation of or for personnel decisions affecting an

employee. Managers and executives shall consider the nature of an employee's assignments and the units to which the employee has been assigned. Isolated instances of minor misconduct shall not be disqualifying for personnel decisions. Similarly, where five years has elapsed since the minor misconduct in question, and where no additional credible instances or patterns of inappropriate conduct have occurred in the interim, such isolated instances of minor misconduct shall be given little weight or disregarded, as appropriate.

On the other hand, credible instances and patterns of inappropriate conduct shall influence selection for assignments, promotion, personnel evaluation, and imposition or augmentation of discipline to the extent appropriate and permitted by law. In that connection, a founded instance or a pattern of inappropriate conduct containing adverse findings concerning an employee's honesty, integrity, truthfulness, practice of discrimination or harassment against protected groups, or misuse of reportable significant force (as defined at 5-09/430.00), conduct toward others, continuous discourtesy, or such other categories as the Sheriff may from time to time designate, shall be disqualifying for bonus positions, assignments to specialized units, and promotions to the extent permitted by law.

Except as limited herein, all data in the PPI or elsewhere shall continue to be available without limitation for purposes of risk management, analysis and avoidance of liability and exposure, identification of at-risk employees, and non-punitive interventions to assist such employees.

